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PATENT Case No. <u>10030458-1</u> (8770/32)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: FALGUN D. PATEL, et al.)) Group Art Unit No.: 3663
Serial No.: 10/820,098) Group Art Ome No.: 3003
Filing Date: APRIL 7, 2004)) Examiner: HUGHES, D. M
For: OPTICAL SWITCH USING RARE EARTH DOPED GLASS)

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT DATED DECEMBER 7, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313

Dear Sir:

Responsive to the Office Communication dated December 7, 2005, regarding the aboveidentified application, the Applicants elect without traverse to prosecute Invention I as identified by the Examiner, comprising claims 1-18. Please withdraw claims 19 and 20.

February 3, 2006 Case No. 10030458-1 (8770/32) Serial No. 10/820,098 Filed: April 7, 2004

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Pursuant to the restriction based on species with different waveguide configurations as determined by the Examiner and shown by figures 1 and 2 and figure 9, the Applicants conditionally elect Species A for prosecution on the merits if no generic claim is held to be allowable. Claims 1-12 are readable on Species A. A listing of claims is attached.

Dated: February 3, 2006

CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201 (847) 905-7111 Respectfully submitted, Falgun D. Patel, et al

Frank C. Nicholas Registration No. (33,983) Attorney for Applicants